

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEFANIE TUNG,

Plaintiff,

-against-

**NOTICE OF MOTION  
TO DISMISS**

08 CV 935 (CM)

THE CITY OF NEW YORK; POLICE OFFICER  
WESLEY BLOCK, TAX IDENTIFICATION NUMBER  
936217, SHIELD NUMBER 16818; POLICE OFFICER  
“MILNIE”; JOHN DOE PLAINCLOTHES POLICE  
OFFICER OF ASIAN HERITAGE WHO SPEAKS  
CANTONESE; MICHAEL MOE EMERGENCY  
MEDICAL TECHNICIAN WHO STRUCK PLAINTIFF;  
JOHN DOES; RICHARD ROES; PAUL POES,

Defendants.  
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**PLEASE TAKE NOTICE** that, defendants The City of New York and Police Officer Wesley Block will move this Court before the Honorable Colleen McMahon, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York at a date and time to be determined by the Court, for dismissal of the complaint with prejudice, pursuant to Rule 12(c) or, in the alternative, for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and in accordance with Judge McMahon’s individual practices, on the grounds that the individual defendant is entitled to qualified immunity on some or all of plaintiff’s claims and that the City of New York is entitled to judgment as a matter of law.

**PLEASE TAKE FURTHER NOTICE** that such motion will be submitted following the prescribed period of discovery set forth in the Court’s Individual Practices.

Dated: New York, New York  
April 21, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York and  
Police Officer Wesley Block  
100 Church Street  
New York, New York 10007

By:



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Suzette Corinne Rivera  
Assistant Corporation Counsel  
Special Federal Litigation Division

To: Jeffrey Rothman, Esq. (By ECF)  
315 Broadway, Suite 200  
New York, New York 10007  
*Attorney for Plaintiff*

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WHO STRUCK PLAINTIFF; JOHN DOES; RICHARD  
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**NOTICE OF MOTION**

**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007*

*Of Counsel: Suzette Corinne Rivera  
Tel:  
NYCLIS No.*

*Due and timely service is hereby admitted.*

*New York, N.Y. .... 200 ...*

*..... Esq.*

*Attorney for.....*